

Permit No.: AK-002154-7  
Application No.: AK-002154-7

United States Environmental Protection Agency  
Region 10  
1200 Sixth Avenue  
Seattle, Washington 98101

**AUTHORIZATION TO DISCHARGE UNDER THE  
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM**

In compliance with the provisions of the Clean Water Act,  
33 U.S.C. §1251 et seq., as amended by the Water Quality Act of 1987, P.L. 100-4, the "Act",

City of Cordova

is authorized to discharge from a facility located Cordova, Alaska, to receiving waters named  
Orca Inlet, at the following location:

<u>Outfall Serial Number</u>	<u>Latitude</u>	<u>Longitude</u>
001	60° 32' 19" N	145° 46' 56" W

in accordance with discharge point(s), effluent limitations, monitoring requirements and other  
conditions set forth herein.

This permit shall become effective January 23, 1996

This permit and the authorization to discharge shall expire at midnight, January 23, 2001

Signed this 23rd day of January, 19 96.

/s/ Phillip G. Milam  
Acting Director, Office of Water, Region 10  
U.S. Environmental Protection Agency

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Cover Sheet--Issuance and Expiration Dates

**I. EFFLUENT LIMITATIONS**

- A. During the period beginning on the effective date of this permit, the permittee is authorized to discharge from outfall 001, subject to the restrictions set forth herein. This permit does not authorize the discharge of any waste streams, including spills and other unintentional or non-routine discharges of pollutants, that are not part of the normal operation of the facility as disclosed in the permit application, or any pollutants that are not ordinarily present in such waste streams.
- B. The monthly average flow rate of effluent discharged from the wastewater treatment facility shall not exceed 0.7 mgd.
- C. There shall be no discharge of floating solids, visible foam or oily wastes which produce a sheen on the surface of the receiving water.
- D. The following effluent limits shall apply at all times:

**Table 1 - Effluent Limitations**

<u>Effluent Characteristic</u>	<u>Unit of Measurement</u>	<u>Monthly Average</u>	<u>Weekly Average</u>	<u>Daily Maximum</u>
Biochemical Oxygen Demand (BOD <sub>5</sub> )	mg/l lb/day	30 105	45 158	60 210
Total Suspended Solids (TSS)	mg/l lbs/day	30 120	45 180	60 240
Fecal Coliform <sup>1</sup>	#/100 ml			10,000
Chlorine Residual	mg/l	---	---	0.002 mg/L
pH	standard units	In the range of 6.0 - 8.5		

<sup>1</sup> The mixing zone for fecal coliform bacteria shall be rectangular in shape with a length of 3,400 meters and a width of 100 meters, centered over the outfall diffuser and extending from the marine bottom to the surface. The long axis of the rectangle is oriented with the tidal flow, i.e., the axis is formed by 29 degrees NNE and 209 degrees SSW. Outside this mixing zone the fecal coliform concentrations shall not exceed a maximum of 14 FC/100 ml.

- E. Percent removal requirements for BOD<sub>5</sub> and TSS are as follows: for any month, the monthly average effluent load shall not exceed 15 percent of the monthly average influent load.

Percent removal of BOD<sub>5</sub> and TSS shall be reported monthly on the Discharge Monitoring Reports (DMRs). For both BOD<sub>5</sub> and TSS, the monthly average percent removal shall be calculated from the arithmetic mean of the influent values and the arithmetic mean of the effluent values for that month.

**II. MONITORING, RECORDING, AND REPORTING REQUIREMENTS****A. Monitoring Requirements**

1. During the period beginning on the effective date of this permit, and lasting until the expiration, the following monitoring requirements shall apply:

**Table 2 - Effluent Monitoring Requirements**

<u>Effluent Parameter</u>	<u>Sample Location</u>	<u>Sample Frequency</u>	<u>Sample Type</u>
Total Flow (mgd)	Influent or Effluent	Continuous	Recording
BOD <sub>5</sub> (mg/l, lb/day)	Influent & Effluent	One/week composite	24-hr.
TSS (mg/l, lb/day)	Influent & Effluent	One/week composite	24-hr.
pH	Effluent One/day	Grab	
Fecal Coliform (#/100 ml)	Effluent One/week	Grab	
Fecal Coliform	Ambient at the boundaries of the mixing zone	Two/year during the summer months	Grab
Chlorine Residual ( $\mu\text{g/l}$ )	Effluent One/day	grab <sup>1</sup>	
Chronic Toxicity (TU <sub>C</sub> )	Effluent Quarterly <sup>2</sup>	24-hour composite <sup>3</sup>	

<sup>1</sup> The amperometric or spectrophotometric method of analysis with a method detection limit of 10  $\mu\text{g/l}$  or less shall be used. If the analysis shows non-detectable levels, the permittee shall report less than 10  $\mu\text{g/l}$  on the DMR.

<sup>2</sup> Results of analyses shall be reported with the discharge monitoring report (DMR) for the last month in the calendar quarter during which monitoring occurred (i.e., the March, June, September, and December DMRs).

<sup>3</sup> See Part II.B.

2. Effluent samples shall be collected after the last treatment unit prior to discharge.

3. Influent and effluent composite samples shall be collected during the same 24-hour period.

## B. Toxicity Testing Program Requirements

### Chronic Toxicity Testing

Chronic toxicity measures a sublethal effect (e.g., reduced growth, reproduction) to experimental test organisms exposed to an effluent or ambient waters compared to that to the control organisms.

1. Beginning with the first calendar quarter after the effective date of this permit, the permittee shall conduct quarterly chronic toxicity tests. After one year of testing (at least 4 sets of toxicity tests), unless the results of the tests indicate otherwise, monitoring frequency may be reduced to one additional suite of tests in the fourth year of the permit.
2. The permittee shall conduct tests with a bivalve species, *Crassostrea gigas* (larval development test), and an echinoderm, purple sea urchin, *Strongylocentrotus purpuratus* or sand dollar, *Dendraster excentricus*, (fertilization test), depending upon the availability of the echinoderm.
3. The presence of chronic toxicity shall be estimated as specified in **Short Term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Waters to Marine and Estuarine Organisms**, (EPA/600/4-87/028), May 1988 and **West Coast Marine Methods Manual**, EPA, Chapman and Denton (in preparation). All quality assurance criteria and statistical analyses used shall be in accordance with EPA/600/4-87/028, Quality Assurance Guidelines for Biological Testing, EPA-600/4-78-043, and other EPA Region 10 approved protocols.
4. Results shall be reported in  $TU_c$ , where  $TU_c = 100/NOEC$  or  $100/IC25$  or  $EC25$  (in percent effluent). The no observed effect concentration (NOEC) in control water at which there is no statistically significant difference (at the 95 percent confidence level) in survival, growth, or reproduction between the control and the test organisms.
5. A series of five dilutions and a control will be tested, ranging from 0 percent effluent (control) to 100 percent effluent with a minimum of four replicates per concentration.
6. All reference toxicant and effluent tests must meet all test acceptability criteria as specified in the chronic manuals. If the test acceptability criteria are not achieved, then the permittee must re-test as soon as possible.

7. Concurrent testing with reference toxicants shall be conducted if the laboratory does not culture test organisms in-house. If the laboratory cultures test organisms in-house, reference toxicant tests may be run monthly.
8. Control and dilution water should be as described in the manuals. If the dilution water used is different from the culture water, a second control, using culture water shall also be used.
9. The permittee shall submit to EPA a copy of the permittee's toxicity reduction evaluation (TRE) workplan (1-2 pages) within 90 days of the effective date of this permit. This plan shall describe the steps the permittee intends to follow if toxicity is detected, and should include, at minimum:
  - (a) A description of the investigation and evaluation techniques that would be used for identifying potential causes/sources of toxicity, effluent variability, treatment system efficiency;
  - (b) A description of the facility's method of maximizing in-house treatment efficiency, good housekeeping, and a list of all chemicals used in operation of the plant.
  - (c) If a toxicity identification evaluation (TIE) is necessary, who will conduct it.
10. If chronic toxicity as defined (i.e.,  $IC_{25}$  is greater than or equal to  $1\text{ TU}_c$ ) is indicated, then, in accordance with the permittee's TRE workplan and EPA manual EPA/600/4-89/001A (municipal), the permittee shall initiate a TRE within fifteen (15) days of the exceedance to reduce the cause(s) of toxicity.
11. If chronic toxicity (i.e.,  $IC_{25}$  is greater than or equal to  $1\text{ TU}_c$ ) is indicated, then the permittee shall conduct six more tests, bi-weekly, over a twelve week period.
12. If chronic toxicity is detected in any of the six bi-weekly tests, then the permittee shall in accordance with EPA acute and chronic manuals EPA/600/6-91/005F (Phase I), EPA/600/R-92/080 (Phase II), and EPA-600/R-92/081 (Phase III), initiate a TIE to identify the causes of the toxicity.
13. If none of the six tests indicates toxicity, then the permittee may return to the normal testing frequency.
14. Evaluation results - the permittee shall notify EPA and the State in writing within fifteen (15) days of exceedance of the TRE trigger of:



- (a) The finding of the TRE/TIE or other investigation to identify the cause(s) of toxicity;
  - (b) Actions the permittee has taken or will take to mitigate the impact of the discharge, and to prevent the recurrence of toxicity;
  - (c) Where corrective actions including a TRE/TIE have not been completed, an expeditious schedule under which corrective actions will be implemented; and
  - (d) If no actions have been taken, the reason for not taking any action.
15. The permittee shall submit the results of the toxicity tests, including any accelerated testing conducted during the month, in TUs with the discharge monitoring reports (DMR) for the month in which the tests are conducted.
16. The full report shall be submitted by the end of the month in which the DMR is submitted.
17. The full report shall consist of: (1) the toxicity test results; (2) the dates of sample collection and initiation of each toxicity test; (3) the flow rate at the time of sample collection; and (4) the results of the effluent analyses for the chemical/physical parameters required for the outfall(s) as defined in Part I of the permit.
18. Test results for chronic tests shall also be reported according to the chronic manual chapter on Report Preparation, and shall be attached to the DMR. It is also suggested that the permittee submit data on an electronic disk in the Toxicity Standardized Electronic Reporting Form (TSERF).
19. This permit may be modified in accordance with the requirements set forth at 40 C.F.R. Parts 122 and 124, to include appropriate conditions or limit to address demonstrated effluent toxicity based on newly available information, or to implement any EPA-approved new State water quality standards applicable to effluent toxicity.
- C. Representative Sampling.** Effluent samples taken in compliance with the monitoring requirements established under Part II.A. shall be collected from the effluent stream prior to discharge into the receiving waters. Samples and measurements shall be representative of the volume and nature of the monitored discharge.
- D. Reporting of Monitoring Results.** Monitoring results shall be summarized each month on the Discharge Monitoring Report (DMR) form (EPA No. 3320-1). The reports shall be submitted monthly and are to be postmarked by

the 10th day of the following month. Legible copies of these, and all other reports, shall be signed and certified in accordance with the requirements of Part V.E., Signatory Requirements, and submitted to the Director, Water Division and the State agency at the following addresses:

original to:

United States Environmental Protection Agency (EPA) Region 10  
1200 Sixth Avenue, WD-135  
Seattle, Washington 98101

copy to:

Alaska Department of Environmental Conservation (ADEC) Southcentral  
Region  
3601 'C' Street, Suite 1334  
Anchorage, Alaska 99503

- E. Monitoring Procedures.** Monitoring must be conducted according to test procedures approved under 40 CFR Part 136, unless other test procedures have been specified in this permit.
- F. Additional Monitoring by the Permittee.** If the permittee monitors any pollutant more frequently than required by this permit, using test procedures approved under 40 CFR 136 or as specified in this permit, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the DMR. Such increased frequency shall also be indicated.
- G. Records Contents.** Records of monitoring information shall include:
1. The date, exact place, and time of sampling or measurements;
  2. The individual(s) who performed the sampling or measurements;
  3. The date(s) analyses were performed;
  4. The individual(s) who performed the analyses;
  5. The analytical techniques or methods used; and
  6. The results of such analyses.
- H. Retention of Records.** The permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least five years from the date of the sample, measurement, report or application or until the expiration of this permit. This period may be extended by request of the Director or ADEC at

any time. Data collected on-site, copies of Discharge Monitoring Reports, and a copy of the current NPDES permit must be maintained on-site during the duration of activity at the permitted location.

**I. Twenty-four Hour Notice of Noncompliance Reporting.**

1. The following occurrences of noncompliance shall be reported by telephone within 24 hours from the time the permittee becomes aware of the circumstances:
  - a. Any noncompliance which may endanger health or the environment;
  - b. Any unanticipated bypass which exceeds any effluent limitation in the permit (See Part IV.G., Bypass of Treatment Facilities.);
  - c. Any upset which exceeds any effluent limitation in the permit (See Part IV.H., Upset Conditions.); or
  - d. Violation of a maximum daily discharge limitation for any of the pollutants listed in the permit to be reported within 24 hours.
2. A written submission shall also be provided within five days of the time that the permittee becomes aware of the circumstances. The written submission shall contain:
  - a. A description of the noncompliance and its cause;
  - b. The period of noncompliance, including exact dates and times;
  - c. The estimated time noncompliance is expected to continue if it has not been corrected; and
  - d. Steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.
3. The Director may waive the written report on a case-by-case basis if the oral report has been received within 24 hours by the Water Compliance Section in Seattle, Washington, by phone, (206) 553-1213.
4. Reports shall be submitted to the addresses in Part II.E., Reporting of Monitoring Results.

- J. Other Noncompliance Reporting.** Instances of noncompliance not required to be reported within 24 hours shall be reported at the time that monitoring reports for Part II.B.. are submitted. The reports shall contain the information listed in Part II.J.

**K. Notice of New Introduction of Pollutants.** The permittee shall provide adequate notice to the Director, Water Division and ADEC of:

1. Any new introduction of pollutants into the treatment works from an indirect discharger which would be subject to Sections 301 or 306 of the Act if it were directly discharging those pollutants; and
2. Any substantial change in the volume or character of pollutants being introduced into the treatment works by a source introducing pollutants into the treatment works at the time of issuance of the permit.
3. For the purposes of this section, adequate notice shall include information on:
  - a. The quality and quantity of effluent to be introduced into such treatment works; and
  - b. Any anticipated impact of the change on the quantity or quality of effluent to be discharged from such publicly owned treatment works.

**L. Planned Changes.** The permittee shall give notice to the Director and ADEC as soon as possible of any planned physical alterations or additions to the permitted facility. Notice is required only when:

1. The alteration or addition to a permitted facility may meet one of the criteria for determining whether a facility is a new source as determined in 40 CFR 122.29(b); or
2. The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants which are subject neither to effluent limitations in the permit, nor to notification requirements under Part II.L.

**M. Anticipated Noncompliance.** The permittee shall also give advance notice to the Director and ADEC of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.

**N. Compliance Schedules.** Reports of compliance or noncompliance with, or any progress reports on interim and final requirements contained in any Compliance Schedule of this permit (Part III.A.) shall be submitted no later than 10 days following each schedule date.

### **III. SPECIAL CONDITIONS**

#### **A. Sludge Management Requirements**

1. The permittee shall handle and dispose of sewage sludge in such a manner so as to protect public health and the environment from any reasonably anticipated adverse effects due to any toxic pollutants that may be present.
2. The permittee shall comply with all existing Federal and State laws and regulations that apply to its sewage sludge use or disposal practice, and with all future standards promulgated under Section 405(d) of the Clean Water Act of 1987.
3. The permittee shall ensure that the requirements of 40 CFR 503 Subparts A, C, and D are met when its sewage sludge is handled and disposed.

**B. Quality Assurance Plan**

Within 180 days of the effective date of this permit, the permittee shall submit a quality assurance plan to EPA for review and approval. This plan shall include the following items:

1. Sampling techniques (field blanks, replicates, duplicates, control samples, etc.);
2. Sample preservation methods;
3. Sample shipments procedure;
4. Instrument calibration procedures and preventive maintenance (frequency, standards, spare parts); and
5. Qualification and training of personnel.

**IV. COMPLIANCE RESPONSIBILITIES**

**A. Duty to Comply.** The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application. The permittee shall give advance notice to the Director and ADEC of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.

**B. Penalties for Violations of Permit Conditions.**

1. **Civil Penalty.** The Act provides that any person who violates a permit condition implementing Sections 301, 302, 306, 307, 308, 318, or 405 of the Act shall be subject to a civil penalty, not to exceed \$25,000 per day for each violation.

## 2. Criminal Penalties:

- a. **Negligent Violations.** The Act provides that any person who negligently violates a permit condition implementing Sections 301, 302, 306, 307, 308, 318, or 405 of the Act shall be punished by a fine of not less than \$2,500 nor more than \$25,000 per day of violation, or by imprisonment for not more than 1 year, or by both.
- b. **Knowing Violations.** The Act provides that any person who knowingly violates a permit condition implementing Sections 301, 302, 306, 307, 308, 318, or 405 of the Act shall be punished by a fine of not less than \$5,000 nor more than \$50,000 per day of violation, or by imprisonment for not more than 3 years, or by both.
- c. **Knowing Endangerment.** The Act provides that any person who knowingly violates a permit condition implementing Sections 301, 302, 306, 307, 308, 318, or 405 of the Act, and who knows at that time that he thereby places another person in imminent danger of death or serious bodily injury, shall, upon conviction, be subject to a fine of not more than \$250,000 or imprisonment of not more than 15 years, or both. A person which is an organization shall, upon conviction of violating this subparagraph, be subject to a fine of not more than \$1,000,000.
- d. **False Statements.** The Act provides that any person who knowingly makes any false material statement, representation, or certification in any application, record, report, plan, or other document filed or required to be maintained under this Act or who knowingly falsifies, tampers with, or renders inaccurate any monitoring device or method required to be maintained under this Act, shall upon conviction, be punished by a fine of not more than \$10,000, or by imprisonment for not more than 2 years, or by both.

Except as provided in permit conditions in Part IV.G., Bypass of Treatment Facilities and Part IV.H., Upset Conditions, nothing in this permit shall be construed to relieve the permittee of the civil or criminal penalties for noncompliance.

- C. Need to Halt or Reduce Activity not a Defense.** It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.
- D. Duty to Mitigate.** The permittee shall take all reasonable steps to minimize or prevent any discharge in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.

- E. Proper Operation and Maintenance.** The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems which are installed by a permittee only when the operation is necessary to achieve compliance with the conditions of the permit.
- F. Removed Substances.** Solids, sludges, filter backwash, or other pollutants removed in the course of treatment or control of wastewaters shall be disposed of in a manner such as to prevent any pollutant from such materials from entering navigable waters.
- G. Bypass of Treatment Facilities.**
1. Bypass not exceeding limitations. The permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of paragraphs 2 and 3 of this section.
  2. Notice:
    - a. Anticipated bypass. If the permittee knows in advance of the need for a bypass, it shall submit prior notice, if possible at least 10 days before the date of the bypass.
    - b. Unanticipated bypass. The permittee shall submit notice of an unanticipated bypass as required under Part II.I., Twenty-four Hour Notice of Noncompliance Reporting.

3. Prohibition of bypass.

- a. Bypass is prohibited and the Director or ADEC may take enforcement action against a permittee for a bypass, unless:
  - (1) The bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
  - (2) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and
  - (3) The permittee submitted notices as required under paragraph 2 of this section.
- b. The Director and ADEC may approve an anticipated bypass, after considering its adverse effects, if the Director and ADEC determine that it will meet the three conditions listed above in paragraph 3.a. of this section.

**H. Upset Conditions.**

- 1. Effect of an upset. An upset constitutes an affirmative defense to an action brought for noncompliance with such technology based permit effluent limitations if the requirements of paragraph 2 of this section are met. No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review.
- 2. Conditions necessary for a demonstration of upset. A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
  - a. An upset occurred and that the permittee can identify the cause(s) of the upset;
  - b. The permitted facility was at the time being properly operated;
  - c. The permittee submitted notice of the upset as required under Part II.I., Twenty-four Hour Notice of Noncompliance Reporting; and



- d. The permittee complied with any remedial measures required under Part IV.D., Duty to Mitigate.
3. Burden of proof. In any enforcement proceeding, the permittee seeking to establish the occurrence of an upset has the burden of proof.
- I. **Toxic Pollutants.** The permittee shall comply with effluent standards or prohibitions established under Section 307(a) of the Act for toxic pollutants within the time provided in the regulations that establish those standards or prohibitions, even if the permit has not yet been modified to incorporate the requirement.

## V. GENERAL PROVISIONS

- A. **Permit Actions.** This permit may be modified, revoked and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance, does not stay any permit condition.
- B. **Duty to Reapply.** If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee must apply for and obtain a new permit. The application should be submitted at least 180 days before the expiration date of this permit.
- C. **Duty to Provide Information.** The permittee shall furnish to the Director and ADEC, within a reasonable time, any information which the Director or ADEC may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit, or to determine compliance with this permit. The permittee shall also furnish to the Director or ADEC, upon request, copies of records required to be kept by this permit.
- D. **Other Information.** When the permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or any report to the Director or ADEC, it shall promptly submit such facts or information.
- E. **Signatory Requirements.** All applications, reports or information submitted to the Director and ADEC shall be signed and certified.
  1. All permit applications shall be signed as follows:
    - a. For a corporation: by a responsible corporate officer.
    - b. For a partnership or sole proprietorship: by a general partner or the proprietor, respectively.

- c. For a municipality, state, federal, or other public agency: by either a principal executive officer or ranking elected official.
2. All reports required by the permit and other information requested by the Director or ADEC shall be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:
  - a. The authorization is made in writing by a person described above and submitted to the Director and ADEC, and
  - b. The authorization specified either an individual or a position having responsibility for the overall operation of the regulated facility or activity, such as the position of plant manager, operator of a well or a well field, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company. (A duly authorized representative may thus be either a named individual or any individual occupying a named position.)
3. Changes to authorization. If an authorization under paragraph V.E.2. is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of paragraph V.E.2. must be submitted to the Director and ADEC prior to or together with any reports, information, or applications to be signed by an authorized representative.
4. Certification. Any person signing a document under this section shall make the following certification:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

- F. Availability of Reports.** Except for data determined to be confidential under 40 CFR Part 2, all reports prepared in accordance with the terms of this permit shall be available for public inspection at the offices of the Director and ADEC. As required by the Act, permit applications, permits and effluent data shall not be considered confidential.

- G. Inspection and Entry.** The permittee shall allow the Director, ADEC, or an authorized representative (including an authorized contractor acting as a representative of the Administrator), upon the presentation of credentials and other documents as may be required by law, to:
1. Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;
  2. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
  3. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and
  4. Sample or monitor at reasonable times, for the purpose of assuring permit compliance or as otherwise authorized by the Act, any substances or parameters at any location.
- H. Oil and Hazardous Substance Liability.** Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject under Section 311 of the Act.
- I. Property Rights.** The issuance of this permit does not convey any property rights of any sort, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of federal, state or local laws or regulations.
- J. Severability.** The provisions of this permit are severable, and if any provision of this permit, or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this permit, shall not be affected thereby.
- K. Transfers.** This permit may be automatically transferred to a new permittee if:
1. The current permittee notifies the Director at least 30 days in advance of the proposed transfer date;
  2. The notice includes a written agreement between the existing and new permittees containing a specific date for transfer of permit responsibility, coverage, and liability between them; and
  3. The Director does not notify the existing permittee and the proposed new permittee of his or her intent to modify, or revoke and reissue the permit. If

this notice is not received, the transfer is effective on the date specified in the agreement mentioned in paragraph 2 above.

- L. State Laws.** Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any applicable state law or regulation under authority preserved by Section 510 of the Act.

## **VI. DEFINITIONS**

- A. Acute Toxic Unit ( $TU_A$ ) is a measure of acute toxicity. The number of acute toxic units in the effluent is calculated as  $100/LC_{50}$ , where the  $LC_{50}$  is measured in percent effluent.
- B. Administrator means the Administrator of the USEPA, or an authorized representative.
- C. Bypass means the intentional diversion of waste streams from any portion of a treatment facility.
- D. Chronic Toxic Unit ( $TU_C$ ) is a measure of chronic toxicity. The number of chronic toxic units in the effluent is calculated as  $100/NOEC$  where the  $NOEC$  is measured in percent effluent.
- E. Daily discharge means the discharge of a pollutant measured during a calendar day or any 24-hour period that reasonably represents the calendar day for purposes of sampling. For pollutants with limitations expressed in units of mass, the "daily discharge" is calculated as the total mass of the pollutant discharged over the day. For pollutants with limitations expressed in other units of measurement, the "daily discharge" is calculated as the average measurement of the pollutant over the day.
- F. Daily maximum discharge limitation means the highest allowable daily discharge.
- G. Director means the Director of Water Division, EPA Region 10, or an authorized representative.
- H.  $EC_{50}$  is a point estimate of the effluent concentration that would cause an observable adverse effect (such as death, immobilization, or serious incapacitation) in 50 percent of the test organisms exposed.
- I. Dry weight means calculated on the basis of having been dried at  $105^{\circ}C$  until reaching a constant mass (i.e., essentially 100 percent solids content).
- J. EPA means the United States Environmental Protection Agency.

- K. Grab sample means a single sample or measurement taken at a specific time or over as short a period of time as is feasible.
- L.  $IC_{25}$  is a point estimate of the effluent concentration that would cause a 25 percent reduction in a nonlethal biological measurement of the test organisms, such as reproduction or growth.
- M.  $LC_{50}$  is a point estimate of the effluent concentration that would be lethal to 50 percent of the test organisms exposed over a specific time period.
- N. Monthly average discharge limitation means the highest allowable average of "daily discharges" over a calendar month. For fecal coliform bacteria, this shall be calculated as the geometric mean of all samples collected during the calendar month. For all other parameters, the average monthly discharge shall be calculated as the sum of all "daily discharges" divided by the number of "daily discharges" measured during the month.
- O. The no observable effect concentration (NOEC) is the effluent concentration in control water at which there is no statistically significant difference (at the 95 percent confidence level) in survival, growth, or reproduction between the control and test organisms.
- P. Severe property damage means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.
- Q. Sewage sludge is solid, semi-solid, or liquid residue generated during the treatment of domestic sewage in a treatment works. Sewage sludge includes, but is not limited to, domestic septage; scum or solids removed in primary, secondary, or advanced wastewater treatment processes; and a material derived from sewage sludge. Sewage sludge does not include ash generated during the firing of sewage sludge in a sewage sludge incinerator or grit and screenings generated during preliminary treatment of domestic sewage in a treatment works.
- R. Upset means an exceptional incident in which there is unintentional and temporary noncompliance with technology-based permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.
- S. Weekly average discharge limitation means the highest allowable average of "daily discharges" over a calendar week, calculated as the sum of all "daily discharges"

measured during a calendar week divided by the number of "daily discharges" measured during that week.

- T. 24-hour composite sample means a flow-proportioned mixture of not less than 8 discrete aliquots. Each aliquot shall be grab sample of not less than 100 ml and shall be collected and stored in accordance with procedures prescribed in the most recent edition of *Standard Methods for the Examination of Water and Wastewater*.